COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLEBURNE FRANK ANDERSON	
COMPLAINANT)
ν,) CASE NO. 95-502
BARREN COUNTY GAS COMPANY) }
DEFENDANT	'

ORDER

On October 18, 1995, Cleburne Frank Anderson filed a formal complaint with the Commission naming Barren County Gas Company as defendant. Barren County Gas Company operates a gas gathering system jurisdictional to this Commission pursuant to KRS 278.485.

Mr. Anderson alleges that Barren County Gas Company has failed to provide adequate service to his residence over the past two winter heating seasons. As a result, Mr. Anderson has terminated his service with Barren County Gas Company and switched to propane. Mr. Anderson now seeks a refund of \$440, the cost of his initial connection with Barren County Gas Company; and, \$149 for the installation of a drip line to keep the line from freezing while it was in use.

Mr. Anderson's service was obtained in 1992 from Barren County

Gas Company pursuant to KRS 278.485. KRS 278.485(2) provides
that:

The applicant for such gas service shall construct or cause to be constructed, and shall maintain and keep in good repair, the service lines, and shall provide and install or cause to be installed, and keep in good repair, the necessary automatic gas regulators, and shall pay the entire cost thereof. The company, at its own expense, shall provide, install, and maintain the necessary gas meters.

* * *

(8) Every gas pipeline company obtaining gas from producing wells within the state shall offer each surface owner the right of a tap or hookup . . . The cost of the tap or hookup shall be borne by the consumer.

Thus, the costs which Mr. Anderson requests refunded to him were costs which he was required to pay by statute and the law allows him no relief.

807 KAR 5:001, Section 12, provides that the Commission will examine each formal complaint to determine whether it establishes a prima facie case. To establish a prima facie case the complaint must contain facts sufficient to justify the relief requested if no contrary evidence is presented.

After a review of the complaint and being otherwise sufficiently advised, the Commission finds the complaint fails to establish facts sufficient to entitle complainant to relief under the law. No prima facie case having been established, the

complaint against Barren County Gas Company is THEREFORE ORDERED dismissed with prejudice.

Done at Frankfort, Kentucky, this 20th day of November, 1995.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

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ATTEST:

Executive Director